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TOBACCO COMPLIANCE BUREAU

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December 23, 2016

Via ECF

Hon. Joanna Seybert
U.S. District Court Judge
100 Federal Plaza
Central Islip, NY 11722-9014

Re: *State of New York v. Mountain Tobacco Co. d/b/a King Mountain Tobacco Co., Inc.*, No. 2:12-CV-6276 (JS) (SIL)

Dear Judge Seybert,

Pursuant to this Court's December 8, 2016 Order, the parties in the above-referenced case have agreed to the following briefing schedule for the State of New York's motion concerning its requested relief on the claims that it prevailed on:

| | |
|-------------------|----------------|
| January 18, 2017 | Motion due |
| February 8, 2017 | Opposition due |
| February 17, 2017 | Reply due |

As to the State's pending motion for a certificate of appealability (ECF No. 219), the State does not intend to proceed with that motion in the interest of securing the just and speedy determination of its requested relief and the conclusion of this action. *See* Fed. R. Civ. P. 1; *People v. Operation Rescue Nat'l*, 80 F.3d 64, 72 (2d Cir. 1996); *Kappel v. Comfort*, 914 F. Supp. 1056, 1058 (S.D.N.Y. 1996).

Very truly yours,

/s/ Christopher K. Leung